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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,908	12/21/2005	Kazunori Suenaga	Q91563	1500
72875	7590	09/30/2008	EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			WELCH, DAVID T	
			ART UNIT	PAPER NUMBER
			2628	
			NOTIFICATION DATE	DELIVERY MODE
			09/30/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/561,908	Applicant(s) SUENAGA ET AL.	
	Examiner DAVID T. WELCH	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/21/2005, 5/10/2006, and 3/17/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed December 21, 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Accordingly, all non-compliant documents in the December 21, 2005 information disclosure statement have not been considered, and are indicated as such in the attached 1449 forms. It is noted that the information disclosure statement filed on May 10, 2006, contains English abstracts for some, but not all, of the non-compliant documents listed in the December 21, 2005 information disclosure statement, and it is at this point that those documents were considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: figure 9, reference number S26. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

Art Unit: 2628

amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 16 is objected to because it contains a minor typographical error: "the computer program have" should be amended to read --the computer program **having**-- or --the computer program **comprising**-- or something of the like. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshitani et al. (U.S. Patent Application Publication No. 2002/0089702), referred herein as Yoshitani.

Regarding claim 1, Yoshitani teaches an image processing apparatus for processing an image based on an image data set including main image data that represents a main image, reduced image data that represents a reduced image of the main image (figure 2A, JPEG compression 250; page 4, paragraph 65, lines 1-5; page 7, paragraph 109, lines 3-7), and color space identification information that expresses a color space related to the main image data, the main image data and the reduced image data and the color space identification information being associated with one another (page 4, paragraphs 62 and 63; paragraph 65, lines 1-5), wherein the color space identification information can indicate which of multiple color spaces including a prescribed standard color space and a particular color space is to be used (page 4, paragraph 63, lines 4-8; page 8, paragraph 110, lines 4-12; page 4, paragraph 66, lines 1-4; for example, YCbCr is the prescribed color space, while CMYK is the particular color space), the image processing apparatus comprising: a data processor configured to select either one of the main image data and the reduced image data as processing target image data, and to execute processing including color space conversion to the processing target image data (figure 2A, color conversion selecting section 246, converting sections 249, 251, 247, and 248; page 4, paragraph 61, lines 1-4; page 8, paragraph 110, lines 4-12; page 4, paragraph 63, lines 4-8), wherein the data processor executes a prescribed basic color space conversion regardless of content of the color space identification information when the reduced image is the processing target, while the data processor executes a specified color space conversion utilizing a color space specified by the color space identification information when the main image is the processing target (page 4, paragraph 63, lines 2-8; paragraph 65, lines 1-5; page 4,

Art Unit: 2628

paragraph 66, lines 1-2; the data processor executes a prescribed basic color space conversion, in this case YCbCr, when the processing target is the reduced JPEG image; the data processor executes a specified color space conversion, in this case CMYK, when the processing target is the non-compressed main image).

Regarding claim 2, Yoshitani teaches an image processing apparatus according to claim 1, and further teaches the apparatus, wherein the color space specified by the color space identification information is the particular color space (page 4, paragraph 66, lines 1-2; as previously discussed, CMYK is both the identified information and the particular color space).

Regarding claims 3 and 4, the limitations of these claims correspond to the limitations of claims 1 and 2, respectively; thus they are rejected on the same grounds as the limitations of claims 1 and 2, respectively.

Regarding claims 5 and 6, the limitations of these claims correspond to the limitations of claims 1 and 2, respectively; thus they are rejected on the same grounds as the limitations of claims 1 and 2, respectively.

Conclusion

6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mitchell et al. (U.S. Patent No. 6,094,454); Multi-spectral image compression and transformation.

Bannai (U.S. Patent No. 7,057,772); Image processing apparatus for color space conversion and compression of image data, and control method thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID T. WELCH whose telephone number is (571)270-5364. The examiner can normally be reached on Monday-Thursday, and alternate Fridays, 7:30am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571)272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/dtw/

/XIAO M. WU/
Supervisory Patent Examiner, Art Unit 2628